

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-11, 18 and 36-46 are now pending in this application.

Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 7-11, 18 and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saraga et al. (hereinafter Saraga) (U.S. Pub. No. 2002/0062192) in view of Kado et al. (hereinafter Kado) (U.S. Pub. No. 2001/0053669). Claims 4-6 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saraga et al. (hereinafter Saraga) (U.S. Pub. No. 2002/0062192) in view of Kado et al. (hereinafter Kado) (U.S. Pub. No. 2001/0053669), and further in view of Moore et al. (hereinafter Moore) (U.S. Pub. No. 2002/0129170 A1). In response, Applicants traverse these rejections for at least the reasons set forth below.

Applicants rely on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to a “method for exchanging data between a portable user equipment (MS), a plurality of service stations placed at selected locations and a plurality of mobile service providers” comprising, in addition to other steps,

“a) generating a first request message including designating service data at the portable user equipment (MS);”

“b) transmitting the first request message to at least one of the plurality of service stations, wherein the plurality of service stations are placed at selected locations along a route traversed by the mobile service providers and indicate where the mobile service providers can stop, and each of the plurality of service stations being arranged with a short-range

communication module which provides a first transmission zone, the portable user equipment including a compatible short-range communication module;

“c) generating a second request message including at least said designating service data at that one of the plurality of service stations whose first transmission zone contains the portable user equipment upon receiving the first request message;”

“d) transmitting the second request message, each of the plurality of mobile service providers being arranged with a short-range communication module which provides a second transmission zone, each of the plurality of service stations including a compatible short-range communication module;”

“e) receiving the second request message at that one of the plurality of mobile service providers whose second transmission zone contains one of the plurality of service stations at which the second request message was generated; and”

“f) stopping such mobile service provider at such service station.” (Emphasis added). Independent claim 42 recites similar limitations.

The Office Action asserts that the base stations BS1-BS7 of Saraga correspond to the claimed service stations. However, a cellular base station is not the same as a service station that is “placed at selected locations along a route traversed by the mobile service providers” and indicates “where the mobile service providers can stop” as claimed in claim 1. That is, Saraga teaches that a message is sent from a mobile telephone to conventional cellular base stations. In contrast, the claimed method and system is configured so that a message is transmitted from portable user equipment directly to a service station located along a mobile service provider route.

The Office Action does acknowledge that Saraga fails to disclose “the direct transmission between the portable user equipment and one of the plurality of service stations and between the one of the plurality of service stations and one of the plurality of mobile service providers nor the plurality of service stations are placed at selected locations along a route traversed by the mobile service providers and indicate where the mobile service

providers can stop, and each of the plurality of service stations being arranged with a short-range communication module.” See Office Action at p. 5. To cure the deficiencies of Saraga, the Office Action relies on Kado. This contention is respectfully traversed.

In particular, it is submitted that secondary citation to Kado does not remedy the conceded deficiency in the primary citation to Saraga. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of Saraga and Kado is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

Kado is directed to a communication network system. Kado relates to a physical data routing system, sometimes referred to as a "data mule." That is, in the Kado data routing system, a destination address has to be specified for the data transmission.

Accordingly, neither Saraga nor Kado suggest that it would be appropriate to modify Saraga by Kado. Furthermore, it would not have been obvious to one skilled in the art to make such a combination. Combining Saraga with Kado would result in a system in which the transmitted data would comprise destination data, with the destination data designating a bus stop or a user to which the data has to be delivered. Then, the system would operate so as to find one or more routes to the designated destination. In contrast, according to the claimed method, a request for a bus to stop does not encompass any destination data, as the bus to which the request would be transmitted is unknown when the request is generated. Instead, the request for a bus may encompass data which designates a particular type of bus line.

Assuming that one skilled in the art would use data which designates a bus line in lieu of destination data in a system according to Kado, the request for a bus to stop would be transmitted to all the buses of the designated bus line. And all the buses of the designated line would receive the stop request. That is, because Kado fails to disclose any context criteria for a particular bus to execute or not execute the stop request, all the buses of the designated line will stop upon receipt of such a request. This is known as an "*epidemic routing*" in the art. Such a system would be completely differ from the claimed system in which only the bus which is the nearest from the bus stop from which the request has been emitted will stop.

Even assuming that one skilled in the art would use the destination bus stop of the user as destination data in the system of Kado, this would result in a system which differs from the claimed system, according to which only the user knows his destination as well as the path he has to travel through to reach this destination. The user would not be allowed to define his travel as, for example, “*to reach the terminal bus stop of line 1*”, because all the buses which reach that bus stop, even buses for which that bus stop is not a terminal bus stop, would be concerned by the stop request. In addition, all the buses which serve the destination bus stop, even indirectly by way of a connection with one or more other buses would receive a stop request. Furthermore, combining Saraga and Kado would result in a system in which the stop request is received and executed at the destination bus station, which is devoid of interest. Here, since the proposed modification would render Saraga unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). *See* MPEP 2143.01 (V). Further, the proposed modification or combination of Saraga and Kado would change the principle of operation of Saraga and therefore the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). *See* MPEP 2143.01 (V). Accordingly, for at least this additional reason, the rejections should be withdrawn.

In addition, to transform the system disclosed in Saraga and the system of Kado into the claimed method would require still further modification, and such modification is taught only by the Applicants’ own disclosure. “[I]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious ... one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fritch*, 972 F.2d 1260, 23 USPQ.2d. 1780 (Fed. Cir. 1992).

Accordingly, for at least this reason, the rejection as to independent claims 1 and 42, concerning Saraga and Kado should be withdrawn.

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the

prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in independent claims 1 and 42.

Claims 2-11, 18, 36-41 and 43-46 depend from one of independent claims 1 or 42 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Moore fails to cure the deficiencies of Saraga.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

1/20/11

By



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